

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>EAGLE VIEW TECHNOLOGIES INC., PICTOMETRY INTERNATIONAL CORP.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>GAF MATERIALS LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>SCHEDULING ORDER</p> <p>Case No. 2:22-cv-00215</p> <p>District Judge Ted Stewart</p> <p>Magistrate Judge Daphne A. Oberg</p>
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Pursuant to Fed. R. Civ P. 16(b), the court received the Attorney Planning Report (Doc. No. 110) filed by counsel. The court schedules the following matters. The parties may not modify the times and deadlines set forth herein without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 16(b)(4).

ALL DEADLINES ARE SET FOR 11:59 P.M. ON THE DATE INDICATED UNLESS EXPRESSLY STATED TO THE CONTRARY

1. PRELIMINARY MATTERS/DISCLOSURES

Event	Date
Plaintiff's Accused Instrumentalities disclosure due [LPR 2.1]	1/3/2023
Plaintiff's Rule 26(a)(1) initial disclosure due [LPR 2.2]	1/17/2023
Defendant's Rule 26(a)(1) initial disclosure due [LPR 2.2]	1/24/2023
Rule 26(f)(1) Conference held and discovery begins [LPR 1.2, 1.3]	1/31/2023
Attorney Planning Meeting Report and Proposed Scheduling Order submitted [LPR 1.2]	2/7/2023
Plaintiff serves Initial Infringement Contentions [LPR 2.3]	2/28/2023
Defendant serves Initial Non-Infringement, Unenforceability, and Invalidity Contentions [LPR 2.4]	3/28/2023
Final Infringement Contentions [LPR 3.1]	7/25/2023
Final Unenforceability and Invalidity Contentions [LPR 3.1]	8/8/2023
Final Non-Infringement Contentions [LPR 3.2]	8/22/2023

2. DISCOVERY LIMITATIONS

- a. Maximum number of depositions¹ by Plaintiff(s): 10
- b. Maximum number of depositions² by Defendant(s): 10
- c. Maximum number of hours for each deposition: 7
(unless extended by agreement of parties)
- d. Maximum interrogatories³ by any party to any party: 25
- e. Maximum requests for admissions by any party to any party: 100
(excluding requests for authentication of evidence)
- f. Maximum requests for production by any party to any party: 100

The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as set forth in the Standard Protective Order for the United States District Court for the District of Utah.

Event	Date
Deadline to serve written discovery before claim construction [R. 34]	9/1/2023
Close of fact discovery before claim construction [LPR 1.3(a)]	10/3/2023
Disclosure of intent to rely on opinions of counsel and materials in support [LPR 1.3(c)]	7 days after claim construction ruling
Deadline to file motion for additional discovery [LPR 1.3(b)]	14 days after claim construction ruling

3. AMENDMENT OF PLEADINGS/ADDING PARTIES

Event	Date
Last day to file motion to amend pleadings	4/18/2023
Last day to file motion to add parties	

¹ Excluding depositions of experts.

² Excluding depositions of experts.

³ An interrogatory or multiple interrogatories seeking the basis of a party's affirmative defenses, infringement contentions, or invalidity contentions counts as one interrogatory regardless of the number of affirmative defenses alleged or the number of infringed or invalid claims alleged. A party may object to the time of discovery as set forth in LRP 1.7.

4. CLAIM CONSTRUCTION PROCESS

Event	Date
Parties exchange proposed claim terms and claim constructions for construction [LPR 4.1(a)]	9/5/2023
Reach agreement to submit no more than 10 terms for construction [LPR 4.1(b)]	9/12/2023
Parties file Cross-Motions for Claim Construction and Joint Appendix [LPR 4.2(a) & (b)]	10/10/2023
Parties file Simultaneous Responsive Claim Construction Briefs [LPR 4.2(c)]	11/7/2023
Motion to Set Claim Construction Hearing [LPR 4.3]	11/7/2023
Joint Claim Construction Chart & Joint Status Report Due [LPR 4.2(f)]	11/14/2023
Tutorial for Court [LPR 4.4]	11/21/2023
Parties exchange exhibits [LPR 4.3]	7 days before claim construction hearing
Claim Construction Hearing [LPR 4.3]	TBD by Court

5. EXPERT DISCOVERY

Event	Date
Parties bearing burden of proof [LPR 5.1(b)]	28 days after claim construction ruling
Counter reports [LPR 5.1(c)]	56 days after claim construction ruling
Close of expert discovery [LPR 5.2]	91 days after claim construction ruling

6. DISPOSITIVE MOTIONS

Event	Date
Deadline to file dispositive motions required to be filed with claim construction [LPR 6.2]	10/10/2023
Deadline to file opposition to dispositive motions filed with claim construction [LPR 6.2]	11/7/2023
Deadline to file reply to dispositive motions filed with claim construction [LPR 6.2]	11/21/2023
Deadline for filing dispositive or potentially dispositive motions [LPR 6.1]	119 days after claim construction ruling
Deadline for filing partial or complete motions to exclude expert testimony	119 days after claim construction ruling

7. SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION/OTHER PROCEEDINGS

- a. Likely to request referral to a Magistrate Judge for settlement conference: No
- b. Likely to request referral to court-annexed arbitration: No
- c. Likely to request referral to court-annexed mediation: No
- d. Last day to seek stay pending reexamination [LPR 3.5]: 8/22/2023
- e. The parties will complete private mediation/arbitration by: TBD
- f. Evaluate case for Settlement/ADR on: TBD
- g. Settlement probability: Low

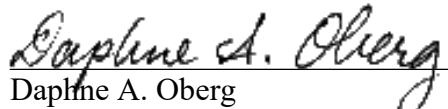
Plaintiff is directed to file a new scheduling order within 14 days of ruling on claim construction. The Court will set trial deadlines in that order or through a case management conference.

8. OTHER MATTERS

All Motions in Limine should be filed well in advance of the Final Pretrial Conference.

DATED this 8th day of February, 2023.

BY THE COURT:


Daphne A. Oberg
United States Magistrate Judge